



7030301.1900
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

John H. VRZALIK

Serial No.: 08/767,291

Filed: December 16, 1996

Title: BARIATRIC BED APPARATUS AND
RELATED METHODS

§
§ Group Art Unit: 3508
§
§ Examiner: PHAM, T.
§
§
§
§
§
§
§
§

**RENEWED PETITION FOR REVIVAL
OF UNINTENTIONALLY ABANDONED APPLICATION**

Box DAC
Assistant Comm'r for Patents
Washington, D.C. 20231

Sir:

Applicant respectfully petitions, under 37 C.F.R. § 1.137(b), for revival of the unintentionally abandoned above-captioned application. It is believed that a reply to a final Office Action was due in this application on or before May 31, 1997.

09/22/1998 AIBRAHIM 00000034 500489 08767291

01 FC:141 1320.00 CH

CERTIFICATE OF FIRST CLASS MAILING (37 C.F.R. § 1.8)

I hereby certify that this paper or fee is being deposited with the United States Postal Service, under 37 C.F.R. § 1.8, as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231, on September 15, 1998.

09/15/98
Date:

Signature of Person Mailing

Wayne J. Colton
Printed Name of Person Mailing

REMARKS

This petition is accompanied by a proposed reply, in fulfillment of the requirement of 37 C.F.R. § 1.137(b)(1). In particular, Applicant has filed on July 31, 1997 a File Wrapper Continuing (FWC) application under the then effective provisions of 37 C.F.R. § 1.62. This FWC application has been accorded Serial No. 08/904,121 by the Application Processing Division (OIPE), but is presently detained by OIPE as being improper for want of continuity with the above-captioned application. Applicant respectfully requests that this FWC now be considered as Applicant's proposed reply for the continued prosecution of the above-captioned application.

In the alternative, Applicant submits herewith a Continued Prosecution Application (CPA) under the provisions of 37 C.F.R. § 1.53. If for any reason the Office objects to the previously filed FWC application, Applicant respectfully requests that the accompanying CPA then, and only then, be entered as Applicant's proposed reply for continued prosecution. In any case, Applicant respectfully requests that the Office of Petitions coordinate its disposition of the FWC with OIPE, which has been notified of this present petition.

Applicant is other than a small entity. The Commissioner has been authorized to charge the petition fee required under 37 C.F.R. § 1.137(b)(2) and set forth in 37 C.F.R. § 1.17(m) to Deposit Account No. 50-0489.

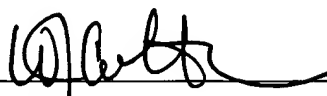
The entire delay in prosecution, from the due date for the reply to the filing of this petition, was unintentional. *See* 37 C.F.R. § 1.137(b)(3). Should the Office have any question, however, as to Applicant's compliance with this requirement, Applicant respectfully requests that the Office immediately contact the undersigned for clarification.

In light of all the foregoing, Applicant respectfully requests revival of the unintentionally abandoned above-captioned application in order that its prosecution may be continued.

Respectfully submitted,

Dated: 09/15/98

WAYNE J. COLTON, INC.
P.O. Box 461209
San Antonio, Texas 78246-1209
Telephone: 210 495 3975
Telecopier: 210 495 3981



Wayne J. Colton
Agent for Applicant
Registration No. 40,962